

EXHIBIT 06

Trial Tr. 07 17 18 PM

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

RUTH V. BRIGGS, .
 . Case No. 1:15-cv-00902-LS
Plaintiff, .
 .
vs. . 601 Market Street
 . Philadelphia, Pennsylvania 19106
 . July 17, 2018
 .
TEMPLE UNIVERSITY, .
 .
Defendants. .
.

TRANSCRIPT OF TRIAL
DAY 2 - P.M. SESSION
BEFORE THE HONORABLE ROBERT F. KELLY
UNITED STATES DISTRICT JUDGE
AND A JURY

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1 experience, specifically, how you felt when you were moved to
2 the tenth floor?

3 A Do I recall what I said or can I --

4 Q Yes. Do you remember what you said then?

5 A Not exactly, word for word, but I could probably -- I
6 remember saying that it was -- I was embarrassed, first, by
7 the move, but then relieved to be away from the -- the
8 tension and the stress.

9 Q Do you remember what you said this morning, when asked
10 by counsel how you felt about that experience when you got
11 moved to the tenth floor? Do you remember what you said this
12 morning?

13 A I said I was embarrassed.

14 Q Do you remember saying the word "banished."

15 A And banished.

16 Q Banished?

17 A I -- yeah, and I'll -- I'll stand by that. Yes, I did
18 feel banished.

19 MR. HARRIS: Okay. May the witness be shown the
20 clip on Page 168 of her deposition transcript, starting -- or
21 beginning at Line 4.

22 THE WITNESS: Am I --

23 MR. HARRIS: It's going to go up on the screen
24 shortly.

25 THE WITNESS: Oh.

1 BY MR. HARRIS:

2 Q You didn't say banished, did you?

3 A No, I didn't. The --

4 Q Okay. But you said you stand by the fact that you felt
5 banished.

6 A I think they both can be true.

7 Q Well, do you recall just saying -- you just saw that
8 clip, correct?

9 A Yes, I did.

10 Q And in that clip, you specifically said that you
11 actually welcomed that you were being moved.

12 A I welcomed being able to work up there, yes, I did say
13 that.

14 Q And --

15 A It was less -- less traffic, less hub --

16 Q Noisy?

17 A Noisy.

18 Q And it was helpful to you.

19 A It was helpful to my performing my job, yes.

20 Q Okay.

21 A That is true.

22 Q All right. Do you also -- okay. Thank you. Do you
23 also being asked [sic] by Ms. Satinsky about the discipline
24 you received regarding Professor Whaley coming to Temple
25 University?

1 A Yes.

2 Q Okay. And specifically, you believe that, unless -- if
3 I understand it correctly, that mister -- or Professor Whaley
4 was supposed to give you some information, and he failed to
5 do so.

6 A There was a back-and-forth of, yes, he -- there was
7 several itineraries that I sent him, and they weren't right -
8 -

9 Q Okay.

10 A -- for him, so I asked Dr. Kwatney -- as I recall, Dr.
11 Kwatney and I talked about, and he said, just ask him if it
12 would be better if he booked his own flight, and we got
13 reimbursed for it.

14 Q And you told Professor Whaley this?

15 A No, I did not. No -- I mean, yes, I did. I told him
16 that that -- I relayed that to him, but I didn't follow up on
17 it, is what I didn't do.

18 Q Okay. Is it your testimony that you relayed to
19 Professor Whaley that he should book his own flight?

20 A That -- not should, that he could, that he could book --
21 book his own flight.

22 Q How did you communicate that?

23 A I believe it was on the phone.

24 Q Not an email.

25 A It might have been an email, too.

1 Q Did you speak to him?

2 A Did I speak to Clint Whaley on the phone, is that what
3 the question is?

4 Q Yeah.

5 A What is the question? I'm sorry.

6 Q You said that you called him, correct?

7 A I did call him.

8 Q And you said that you spoke to him, correct?

9 A I spoke to him.

10 Q Okay. Did you tell him, during the phone conversation,
11 that he could or should book his flight --

12 A I --

13 Q -- and get reimbursed by the University?

14 A I believe it was could, and I didn't get the -- the
15 answer.

16 Q So he never responded.

17 A No.

18 Q What did he say during the call?

19 A I don't recall. And actually, you know what? I -- it
20 might have been an email, so I'm -- I'm not -- I'm not sure.
21 I can't answer with certainty.

22 Q Okay. Was it an email or a phone call?

23 A I'm not -- I can't answer with certainty. It could have
24 been both. I can't answer with certainty.

25 Q You said you had a phone conversation with Professor

1 Whaley.

2 A Yes.

3 Q Did you not?

4 MR. MUNSHI: Objection, Your Honor. He's gone over
5 this three times. She says she doesn't recall specifically.

6 THE COURT: Overruled.

7 THE WITNESS: I -- I -- I can't make something up,
8 I don't --

9 MR. HARRIS: Well --

10 THE WITNESS: I don't -- I don't -- I mean, I --
11 there were numerous times, this went -- went over -- over a
12 month. So there were emails, there were phone calls. And
13 I don't know the -- you know, the exact wording of any of
14 them. And I don't -- I can't recall.

15 BY MR. HARRIS:

16 Q Okay. Do you remember testifying earlier this morning
17 that Professor Whaley was supposed to give you information
18 that you didn't receive?

19 A He was.

20 Q Okay.

21 A But that doesn't make -- that doesn't make me less -- I
22 mean, I was -- should have followed up with him, and that's
23 what I'm -- that is what I'm saying. I took responsibility
24 for that, I should have followed up with him.

25 Q But you failed to do so.

1 A I failed to do so.

2 Q You were expecting him to provide you what information?

3 A That he was coming. I gave him -- that he -- you know,
4 he -- he had reservations at our Conwell Inn on campus.

5 Q Right. You made the reservations.

6 A I made the reservations for him.

7 Q You booked the hotel.

8 A Yes, I did.

9 Q And so you knew that he was coming, and that's why you
10 booked the hotel.

11 A Yes.

12 Q Yes? Okay. So you knew he was coming.

13 A I did know he was coming. Yes, I did.

14 Q Okay. So when you just said, a few seconds ago, that
15 you weren't sure whether or not he was coming, that's
16 inaccurate.

17 A Did I -- I wasn't sure what -- how he -- no, it's not
18 inaccurate. I knew he was coming, of course I knew he was
19 coming. It was my job to -- it was --

20 Q Right. He booked a flight, so he was --

21 A No, I don't know --

22 Q -- (indiscernible) --

23 A -- that he booked a flight.

24 Q -- responsibility for booking --

25 A I don't know if he booked a flight. I didn't book the

1 flight for him.

2 Q But you were supposed to.

3 A I was supposed to arrange travel for him, yes.

4 Q Which includes booking the flight.

5 A It includes booking the flight.

6 Q And you failed to do so.

7 A I failed to do so.

8 Q Okay. Did you also talk to Professor Whaley about why
9 you failed to book the flight?

10 A I did not because I asked Dr. Wu, if I could call Dr.
11 Whaley and apologize, and I was told I wasn't allowed to.

12 Q So you weren't actually waiting for doctor -- or
13 Professor Whaley to give you the information then.

14 A I was away -- I was off campus. I'm -- I'm sorry. I
15 was totally off campus for a conference, and I didn't -- I
16 dropped the ball. I don't know how else to say that. I
17 dropped that ball.

18 Q Okay. Do you recall testifying that you thought that
19 that discipline was unfair?

20 A I do believe it was unfair.

21 Q You dropped the ball.

22 A I dropped the ball.

23 Q You just testified that you dropped the ball.

24 A Right. I dropped the ball.

25 Q You don't believe that you should get discipline for

1 dropping the ball?

2 A No, I -- I didn't -- it was the severity of the -- of
3 the punishment.

4 Q This wasn't your first discipline, was it?

5 A It was second, third. I don't know.

6 Q Okay.

7 A Second. There were four.

8 Q This was in March of 2013.

9 A So that was the second.

10 Q So it -- the discipline, as you understood it, it's
11 based on matrix, correct?

12 A Yes.

13 Q All right. And so, based on the level of your prior
14 discipline will impact the preceding or following discipline,
15 correct?

16 A I'm not aware if that's how it works. I -- I can't tell
17 you if that's how it works.

18 Q You spoke to HR a litany of times throughout your
19 employment at Temple University.

20 A I sure did.

21 Q Did you also talk to them about your discipline that you
22 received?

23 A Yes, I did.

24 Q And you explained to them that you thought some of these
25 disciplines were unfair.

1 A I thought that was unfair, yes. Three days -- yes.

2 Q And they also explained to you the policy. Do you --

3 A I don't remember anyone explaining the policy to me.

4 Q Did you ask?

5 A Probably.

6 Q And what did they reply?

7 A HR often did not get back to me, I have to tell you.

8 Those emails went out into a black, so I don't -- I can't
9 really say. I did think it was harsh.

10 Q Okay. You recognized that the level of discipline you
11 received was based on the prior discipline.

12 A It was based on the prior discipline, or what -- the
13 action that I was disciplined for?

14 Q The action that you were disciplined for. Yes?

15 A I understand that.

16 Q All right.

17 A But I -- the prior one, I don't know -- I don't know
18 what you're saying about that.

19 Q I'll get back to that in a moment.

20 A Okay.

21 Q Ma'am, as I understand it, your responsibility as the
22 Executive Assistant for Dr. Wu involved being responsible for
23 his calendar, correct?

24 A That is correct.

25 Q As well as making sure that individuals that he was

1 A Now, that does surprised me.

2 Q What does it say, ma'am?

3 A 2.28.

4 Q On the performance-rating categories, where does that
5 fall?

6 A Between performance meets minimum expectations and
7 standards.

8 Q Okay. And can you go down to where it says -- so,
9 that's below average, yes?

10 A Yes, it is.

11 Q Ms. Briggs, I couldn't hear you. I'm sorry?

12 A I said yes.

13 Q Under "goals and projects," could you read the first
14 goal for you under Phase I under Project Number 1?

15 A Sure.

16 "Make your own materials, leaving the dean's office
17 has met all standards, policies to make sure the
18 process is smooth and flawless. This includes
19 materials related to promotion and tenure, at
20 leaves, and retirements."

21 Q What was your rating for that?

22 A 2.0.

23 Q Again, that meet minimum expectations and standards,
24 correct?

25 A Yes, it is.

1 Q All right. So, that's the most important -- I'm asking
2 you those questions, ma'am.

3 A Okay.

4 Q So, did you ever receive a 3.0 prior to Dr. Wu?

5 A I don't know. Oh, is this the one right before Dr. Wu?
6 Yes, then, you are correct. I don't know what Dr. Wu gave
7 me.

8 Q I have shown you one where you received a 3.0 so far?

9 A No, you have not.

10 Q And in the following year, I think you were evaluated by
11 Dr. Wu, correct?

12 A It would be Dr. Wu.

13 Q And from the year of -- let me see -- it would be 2009
14 through 2010 -- I'm sorry, 2010 through 2011.

15 A Where's 2009 to '10?

16 Q Good question. I hope to find that one.

17 MR. HARRIS: One moment, please. With the Court's
18 indulgence?

19 THE COURT: All right.

20 (Pause in proceedings)

21 BY MR. HARRIS:

22 Q Ma'am, I'm -- I apologize, I don't have one for that
23 year. Do you know whether or not you were evaluated from
24 2009 to 2010 by Dr. Wu?

25 A I'm sorry, what was the question?

1 Q I said I don't have a document that shows 2009 through
2 2010 for Dr. Wu.

3 A It would be --

4 Q Do you recall actually being evaluated by Dr. Wu?

5 A Yes, Dr. Wu did evaluate me, but I went there in 2009,
6 so ...

7 Q So, you may not have had an evaluation in that first
8 year?

9 A I had -- did get an evaluation.

10 Q In that year, are you sure? Because I sure don't have
11 it. Are you sure about that?

12 A I'm sure.

13 Q Okay.

14 MR. HARRIS: May the witness be shown D-15?

15 BY MR. HARRIS:

16 Q The evaluation period that you were just referring to,
17 Ms. Briggs, was that a full academic year or a partial year?

18 A Was -- that would have been a full year --

19 Q Now --

20 A -- it started in 2009.

21 Q It would have been a full year, okay.

22 So, ma'am, you testified that the previous deans were
23 people who you had a tremendous amount of respect for and
24 that were fair, yes?

25 A They were, yes.

1 Q And none of those deans actually gave you a performance
2 evaluation of a 3.0 or higher, correct?

3 A Correct.

4 Q And, in fact, George Palladino, I think had the highest
5 score of a 2.8, yes?

6 A Yes.

7 Q Correct?

8 A Yes.

9 Q All right. So, Dr. Wu was the person that you've been
10 testified to who bullied you, correct?

11 A Yes.

12 Q Who harassed you, yes?

13 A Yes.

14 Q Who was absolutely unfair to you, correct?

15 A Yes.

16 Q And can you tell me what his final score rating for you
17 was for 2010 to 2011.

18 MR. HARRIS: And may this be published to the jury,
19 Your Honor?

20 THE WITNESS: 2.91.

21 THE COURT: Yes, it can.

22 BY MR. HARRIS:

23 Q 2.91, is that what it says?

24 A Yes, it is.

25 Q So, the bully and the harasser gave you the highest

1 MR. MUNSHI: No objection.

2 (D-23 received in evidence)

3 BY MR. HARRIS:

4 Q An April 2nd, twenty -- April 3rd -- excuse me -- 2014,
5 did you -- this email -- is this the email you sent to Ms.
6 Walton?

7 A Yes, it is.

8 Q Could you please read that to the jury?

9 A Sure.

10 "Dear Deirdre. It is with great sadness that I
11 resign from my position as Executive Assistance in
12 the Department of Computer and Information
13 Sciences, in the College of Science" -- "Science
14 and Technology, effective April 1st, 2014."

15 More?

16 Q Yes, please.

17 A "I have great admiration for our students, both
18 undergraduate and graduate, and their amazing
19 faculty. I miss my family and my community."

20 Q That's the email that you sent, indicating that you were
21 resigning from your role. Yes?

22 A I was told that I should -- could resign.

23 Q Right.

24 A Right.

25 Q That was offered to you, correct? By Ms. Walton, who

1 Q Your request?

2 A My request.

3 Q Because you wanted help?

4 A I wanted to see if I had Alzheimer's like my father.

5 Q But you did not have that?

6 A I did not have that.

7 Q Ms. Briggs, are you currently employed?

8 A Yes, I am.

9 Q Your current employment, I believe you're a health --
10 home healthcare assistant?

11 A Aide, right. Uh-huh. Yes.

12 Q And as I also understand your testimony, you have not
13 looked for a position since you've been in that current role?

14 A No.

15 Q Okay. And it's -- your salary currently is
16 approximately half of what you made when you were working at
17 Temple University?

18 A Or less. Yeah.

19 Q And the position that you currently have is full-time?

20 A Yes, it is.

21 Q Okay. And as I understand your testimony, you have a
22 degree, correct?

23 A Yes, I do.

24 Q That you actually received with honors?

25 A Yes, I did.

1 hearing you. Sorry.

2 Q You will agree with me that the areas that counsel went
3 over with you were the areas that you scored well, correct?

4 A Yes.

5 Q But you also will agree with me, in those performance
6 evaluations, the vast majority of those categories, you
7 scored below a 2.0, correct? Or excuse me, below a 3.0.

8 A Yes.

9 Q And so your final rating was less than a 3.0, correct?

10 A Yes.

11 Q On every single one, prior to you actually being
12 supervised by Dr. Wu.

13 A Yes.

14 Q Okay. And so 3.0 reads, "Performance meets job's
15 expectations." So you never met the job expectation before
16 you actually were reviewed by Dr. Wu, correct?

17 A For -- you mean the final score, you're talking about.

18 Q Correct.

19 A Right.

20 Q The final score.

21 A Yes.

22 MR. HARRIS: Okay. Thank you. I have no further
23 questions.

24 MR. MUNSHI: I'm sorry. I just have one question,
25 in light of that last one.

1 our Equal Opportunity Compliance Office.

2 Q Okay. So, you don't actually investigate those claims;
3 the EOC Office would?

4 A Yes.

5 Q So, since you don't investigate claims of
6 discrimination, it would not be possible for you to determine
7 whether somebody's claims of discrimination had merit,
8 correct?

9 A That's true.

10 Q I'd like you to take a look at a document. There's some
11 binders in front of you that have a lot of documents. The
12 one document says -- or binder says "Plaintiff's Exhibits."
13 If you could find that one.

14 A Okay.

15 Q Now, you would agree with me that in 2013 and in 2014,
16 Ms. Briggs brought claims of discrimination to your
17 attention, correct?

18 A No, she did not.

19 Q So, since she did not bring claims of discrimination to
20 your attention, then it would follow that you did not do an
21 investigation into her claims of discrimination, correct?

22 A Correct.

23 Q And you wouldn't have done the investigation anyway, to
24 determine if there was merit, because you don't do the
25 investigations, correct?

1 disciplinary report that was issued to Ruth brings. The date
2 at the top is 11/09/2011. Do you see that?

3 A Yes, I do.

4 Q And it was issued by her supervisor, Dr. Wu.

5 Do you have any idea why this disciplinary action was
6 issued to Ms. Briggs?

7 A Yes, I do.

8 Q And what is that reason?

9 A From my memory and understanding, Ms. Briggs was
10 disciplined for unprofessional, inappropriate behavior.
11 There was a blowout between her and Dr. Wu, where she became
12 loud and inappropriate with her supervisor.

13 Q Is it Temple's policy that if disciplinary action is
14 issued, that there should be supporting documentation to
15 support the reason why the discipline was issued?

16 A Usually what happens is there should be a statement
17 that's made, but it's not necessarily a part of the
18 disciplinary report.

19 Q A -- okay. Go ahead.

20 A But, usually, when a Department is running a discipline
21 by me, they give me the details of the event and what took
22 place and we determine what that discipline is going to be,
23 but we don't actually put the specifics of the details in the
24 disciplinary report.

25 Q Why not?

1 A We just don't find it's necessary to put all the details
2 into it. We ask that the supervisor or the manager keep
3 documents for themselves on the situation.

4 Q Doesn't -- does HR retain any of the documents?

5 A At times, yes, or the manager or the business manager,
6 like Greg Wacker, who assisted Dr. Wu, would have kept those
7 documents.

8 Q Is there a uniform policy at Temple that says that when
9 discipline is issued, the supporting documentation is kept at
10 HR or kept at the manager's office or is it at the discretion
11 of HR and the manager?

12 A It depends. There's not always supporting documents.
13 In this situation where Ms. Briggs and Dr. Wu had this
14 inappropriate interaction where she yelled at him, it was Dr.
15 Wu's statement that he made to Greg; he sent him an email.
16 So, there's no policy that says that you have to keep
17 something in the file. We keep the discipline in the file.

18 Q Did you say that Greg Wacker sent an email to Dr. Wu
19 about the discipline?

20 A No, what I'm saying is that Dr. Wu -- and I'm
21 speculating here, because I don't know for sure -- I know
22 that Dr. Wu discussed the situation with Greg Wacker. He may
23 have done it by email, but I know that he discussed it with
24 Greg Wacker and they discussed the situation and they
25 determined, based on that situation, to issue a discipline.

1 her side of the story?

2 A No, I did not.

3 Q Why not?

4 A Because that -- well the -- I'm sorry -- well, that
5 would have been the responsibility of Greg Wacker.

6 Q Did Greg Wacker speak with her?

7 A That's my understanding.

8 Q Did you create any documentation of these conversations
9 that you had with Mr. Wacker?

10 A I don't think so.

11 Q You didn't create a note to the file or email to
12 memorialize it?

13 A I'm -- I don't think so. I think he called me. We had
14 a conversation. I may have made notes to remind myself, but
15 I don't think I made any documentation or anything that I
16 would put into a file.

17 Q How about Mr. Wacker, did you ask him to send you an
18 email or to document what his purpose was in issuing this
19 write-up?

20 A No, I didn't.

21 Q Did he tell you that the circumstances around this
22 write-up were when Dr. Wu relayed to her that in China, they
23 put women out to pasture at 55?

24 A No, I don't recall that.

25 Q And do you recall being told that in response, Ms.

1 Briggs said, Well, with all due respect, we are not in China;
2 we are in America.

3 A I recall that specific story, because it was relayed to
4 me by Ruth Briggs, but I don't recall that this write-up was
5 for that interaction.

6 Q But, yet, we don't have any email, document, note to the
7 file, nothing, to support what you're saying right now, that
8 it had to do with a time in which Ms. Briggs got loud and
9 blew up at Dr. Wu?

10 A I, per se, don't have anything in my file. I just have
11 the conversation that I had with Greg Wacker.

12 Q Then you said that afterwards, you did speak with Ms.
13 Briggs about this write-up, correct?

14 A Yes.

15 Q And she told you that she felt that this was
16 retaliatory, correct?

17 A I don't recall that. Many times after Ms. Briggs
18 received a discipline, she would call my office to complain
19 about it and she would tell me that, you know, that it wasn't
20 her fault, that, you know, she didn't do anything wrong.
21 With this specific discipline, I don't recall what her
22 argument with Dr. Wu was, but after off of her disciplines,
23 she called me.

24 Q How many disciplines did Ms. Briggs get?

25 A From my memory, I think it was about four.

1 Q And did they -- is any of this documented in any emails,
2 notes to the file or anything?

3 A It may be. It may be or may -- you know, many times,
4 our conversations were over the phone or I may have sent them
5 an email and they may have replied back to my email, so there
6 might be documentation, yes.

7 Q Was there any disciplinary action issued against Dr. Wu
8 for his yelling at the students?

9 A No, not that I know of.

10 Q Why not?

11 A I don't know.

12 Q But you're saying that Mr. Wacker did speak to Dr. Wu
13 about the complaints about him screaming at his students?

14 A My understanding is that Greg Wacker and Drew had a
15 conversation. This complaint was relayed to me. When they
16 came back to me, my understanding was that they looked into
17 it and they talked to Dr. Wu about it.

18 I don't know if any -- you know, they may have talked to
19 the vice-dean at the time that Dr. Wu reported into, but from
20 my memory, I don't recall what took place with Dr. Wu.

21 Q Okay. Now, after the November write-up that we went
22 over in which there's no documentation as to why it was
23 issued, there was another disciplinary action issued a year
24 and four months later, do you recall that, in March of 2013?

25 A A discipline to Ruth Briggs?

1 took place, that it was her responsibility to arrange for the
2 travel for this visiting candidate. And she may have
3 contacted him early on, but there was no contact on the day
4 of travel, there was no arrangements made for him, he did not
5 know. And we lost that candidate, he never came.

6 Q Ms. Walton, do -- are you the HR person that approved
7 this three-day suspension without pay?

8 A Yes, I am.

9 Q Was it possible to give her a one-day suspension?

10 A Not in regards to our rules of conduct. So the rules of
11 conduct at the University, a C violation calls for a three-
12 day suspension.

13 Q So this couldn't have been a B violation or an A
14 violation?

15 A Well, an A violation, in our rules of conduct, is only
16 for attendance. And a B violation that I think could have
17 been -- you know, that -- if we had chose to do a B
18 violation, it would have been for inefficiency, and I don't
19 think it rose to the level of inefficiency. It was neglect
20 and carelessness because this person never came, and we lost
21 that candidate.

22 Q So you're saying that one C violation is a mandatory
23 three-day suspension.

24 A Yes.

25 Q I hate to do this, but I got to show you the rules of

1 A I believe that Ms. Briggs was well meaning and wanted to
2 do well in the Department. But she continued to make many
3 errors, and -- and this was one of them. You know? Where
4 she just neglected her job responsibility.

5 Q Okay. The mistake that she made with booking the
6 flight, that's one. What other -- what are all these other
7 errors? Because there's only two other writeups after this.

8 A So there was a history that's not documented with Ms.
9 Briggs, where she made many errors in the Department, in the
10 CIS Department, but also when she worked in the Dean's
11 Office. So the Department, you know, they liked Ms. Briggs,
12 she was a very nice lady. They didn't want to see her lose
13 her job. And so, many times, they didn't document many of
14 the errors that she was making, and they tried to find work
15 for her that would suit her skills.

16 Q So her -- these errors are so severe that led to her
17 termination, but they're not documented.

18 A They didn't lead to her termination, but they -- but
19 they did get the management to the point where they had to
20 start documenting, and that's what they did.

21 Q Okay. So the undocumented errors that you're talking
22 about did not lead to her termination.

23 A They didn't lead to her termination, but they did lead
24 to where there was frustration in the Department, there was
25 frustration with Dr. Wu. And you know, Dr. Wu complained to